

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DERRICK HOLLAND,

Plaintiff,

v.

CITY OF RIDGECREST., *et al.*

Defendants.

Case No. 1:22-cv-01578-JLT-CDB

ORDER ON STIPULATION TO STAY
ACTION UNTIL CRIMINAL ACTION
AGAINST PLAINTIFF IS RESOLVED

(Doc. 13)

On December 8, 2022, Plaintiff filed a complaint against Defendants alleging that Plaintiff was arrested unlawfully based on a fraudulent search of his home on August 17, 2020. (Doc. 1). Plaintiff filed an amended complaint on February 27, 2023. (Doc. 9). On March 20, 2023, Defendants filed a motion to dismiss arguing Plaintiff's claims are barred by *Heck v. Humphrey*. (Doc. 11).

Pending before the Court is the parties' stipulation for order, filed March 22, 2023, staying this action until the criminal case against Plaintiff is resolved. (Doc. 13). Plaintiff represents he intends to file a motion to vacate the criminal judgment pursuant to Cal. Penal Code 1473.6 in *People of the State of California v. Derrick Andre Holland*, Kern County Superior Court Criminal Case No. RF008484A. *Id.* at 2.

Accordingly, based on the parties' representations, for good cause appearing and this

1 Court's authority to stay civil proceedings pending the outcome of a related criminal proceeding¹,

2 IT IS HEREBY ORDERED:

3 1. This action shall be stayed until July 28, 2023; and

4 2. The parties shall file a joint status report, on or before July 15, 2023, to update the Court

5 as to the status of the criminal proceedings, and whether the stay may expire on July 28,

6 2023, as scheduled or whether it must be extended.

7 IT IS SO ORDERED.

8 Dated: March 23, 2023


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UNITED STATES MAGISTRATE JUDGE

¹ Federal courts may stay civil proceedings pending the outcome of a related criminal prosecution in “the interests of justice.” *United States v. Kordel*, 397 U.S. 1, 12, n. 27 (1970); *see also Federal Savs. And Loan Ins. Corp. v. Molinaro*, 889 F.2d 899 (9th Cir. 1989) (the implication of a criminal defendant’s Fifth Amendment rights, particularly where criminal proceedings are pending, argues in favor of a stay of separate but related civil proceedings).